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AUG 17 1994

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GERALD ARMSTRONG

6  
7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 FOR THE COUNTY OF MARIN

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AUG 18 1994

10 CHURCH OF SCIENTOLOGY INTERNATIONAL, )  
11 a California not-for-profit )  
religious corporation, )  
12 )  
Plaintiff, )  
13 vs. )  
14 )  
GERALD ARMSTRONG; MICHAEL WALTON; )  
15 THE GERALD ARMSTRONG CORPORATION, )  
a California for-profit )  
16 corporation; DOES 1 through 100, )  
inclusive, )  
17 )  
18 )

No. 157 680

HUB LAW OFFICES

MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
MOTION TO COMPEL FURTHER  
RESPONSES TO FORM  
INTERROGATORIES FROM  
PLAINTIFF

Date: 9/2/94  
Time: 10:00 a.m.  
Dept: Referee Benz  
Trial Date: 9/29/94

19 I. INTRODUCTION

20 Code of Civil Procedure section 2030 (1) states in part "If  
21 the propounding party, on receipt of a response to  
22 interrogatories, deems that (1) an answer to a particular  
23 interrogatory is evasive or incomplete, or . . . (3) an objection  
24 to an interrogatory is without merit or too general, that party  
25 may move for an order compelling a further response." For the  
26 purposes of the instant motion, Scientology, rather than directly  
27 responding to the interrogatories at issue, interposed a number of  
28 boilerplate objections.

1 As will be discussed below, the objections are without merit  
2 as well as too general.

3 **II. STATEMENT OF FACTS**

4 Armstrong adopts by reference his statement of facts as well  
5 as his Statement of Requests for Admission and Responses in  
6 Dispute filed in conjunction with this motion as though they were  
7 fully set forth. In addition, Armstrong adopts the various  
8 factual statements made in his Statement of Form Interrogatories  
9 and Disputed Responses filed in connection with this motion.

10 **III. SCIENTOLOGY HAS FAILED TO SUFFICIENTLY RESPOND**  
11 **TO CERTAIN INTERROGATORIES REGARDING DAMAGES**

12 **A. Form Interrogatories 6.1 through 6.7**

13 Form interrogatories 6.1 through 6.7 requested plaintiff to  
14 identify any physical, mental or emotional injuries relating to  
15 the incident. Scientology stated that "CSI objects that this form  
16 interrogatory is inapplicable to a corporation, and vague and  
17 unintelligible as phrased."

18 Since members of the Scientology religion can suffer such  
19 injuries, Armstrong is entitled to know whether such persons have  
20 suffered harm in consequence of his alleged actions.

21 **B. Form Interrogatories 7.1 through 7.3**

22 This set of interrogatories pertains to damages to property  
23 claimed by Scientology.

24 Here, too, Scientology stated that "CSI objects that this  
25 form interrogatory is inapplicable to a corporation, and vague and  
26 unintelligible as phrased."

27 Armstrong is entitled to know whether such damages have  
28 resulted harm in consequence of his alleged actions.

1           **C.    Form Interrogatory 8.1**

2           Interrogatory 8.1 asks whether Scientology has lost any  
3 income or earning capacity.

4           Here, too, Scientology stated that "CSI objects that this  
5 form interrogatory is inapplicable to a corporation, and vague and  
6 unintelligible as phrased."

7           Armstrong is entitled to know whether such damages have  
8 resulted in harm in consequence of his alleged actions.

9           **D.    Form Interrogatory 9.1**

10          This interrogatory asks whether there are any other damages  
11 that Scientology attributes to Armstrong's activities. Plaintiff  
12 responded:

13           Objection. CSI objects that this form interrogatory is  
14 inapplicable to this action, and vague and  
15 unintelligible as phrased. To the extent that the  
16 "INCIDENT" this interrogatory is referring to is  
17 Armstrong's fraudulent conveyance of his assets to  
18 others in or about 1990, CSI sustained damage in the  
19 amount of those conveyances, together with any  
20 appreciation or increase in value which those assets  
21 have acquired since their initial conveyance.

22          Scientology is evasive in trying to limit the interrogatory to  
23 Armstrong's alleged fraudulent conveyances. In is clear that  
24 incident means every incident or every time CSI was damaged in  
25 some way by Gerald Armstrong.

26           **E.    Form Interrogatories 9.2, 10.2, 10.3**

27          Interrogatory 9.2 asks for the identification of documents  
28 that support Scientology's damages. Its response that such  
29 documents are the depositions of defendants, documents produced in  
30 this action and unidentified Marin County public records is  
31 inadequate. If there is any documentation of Scientology's  
32 damages, it should be identified. If there are no such documents,

1 that should be stated.

2 Interrogatory 10.2 asks for physical, mental or emotional  
3 disabilities that plaintiff had immediately before Armstrong's  
4 activities commenced. Here, too, Scientology stated that "CSI  
5 objects that this form interrogatory is inapplicable to a  
6 corporation, and vague and unintelligible as phrased." If  
7 Scientology is making no such claim on behalf of any of its  
8 members, or otherwise, it should so state.

9 Interrogatory 10.3 asks for an enumeration of injuries for  
10 which Scientology is now claiming damages. Here, too, Scientology  
11 stated that "CSI objects that this form interrogatory is  
12 inapplicable to a corporation, and vague and unintelligible as  
13 phrased." If Scientology is making no such claim on behalf of any  
14 of its members, or otherwise, it should so state.

15 **F. Form Interrogatories 12.1 - 12.7**

16 These interrogatories have to do with specifying the  
17 identities of persons or other sources of evidence as to the  
18 incident, which are what Scientology claims to have been  
19 Armstrong's breaches of the settlement contract. Scientology  
20 evades responding truthfully by attempting to narrowly construe  
21 the "incident." Plaintiff also attempts to invoke the attorney  
22 client and attorney work product privileges. This is improper  
23 because Armstrong is entitled to receive the information  
24 requested, particularly because such information has nothing to do  
25 with the substance of privileged matters.

26 **G. Form Interrogatories 13.1 - 13.2**

27 These interrogatories request information which pertains to  
28 surveillance and reports thereof. Scientology's response is

1 evasive because it attempts to limit the meaning of the "incident"  
2 to the alleged fraudulent conveyances to the exclusion of what it  
3 has claimed to have been Armstrong's breaches of the settlement  
4 contract.

5 **H. Form Interrogatory 14.1**

6 This question asks whether or not plaintiff contends that  
7 defendants violated any statute and that such was the proximate  
8 cause of the incident. Scientology's response, again, is evasive  
9 because it attempts to limit the meaning of the "incident" to the  
10 alleged fraudulent conveyances to the exclusion of what it has  
11 claimed to have been Armstrong's breaches of the settlement  
12 contract.

13 **IV. SCIENTOLOGY HAS FAILED TO RESPOND TO**  
14 **INTERROGATORIES LINKED TO REQUESTS FOR ADMISSIONS**

15 In conjunction with the Form Interrogatories, Armstrong  
16 propounded 35 Requests for Admission. Interrogatory 17.1 requires  
17 that Scientology state certain vital information for each response  
18 to a Request for Admission that is not an "unqualified admission."  
19 Since Scientology did not respond with any such unqualified  
20 admission, it must respond to Form Interrogatory 17.1.

21 Rather than deal with all these matters here, Armstrong  
22 respectfully directs the attention of the Referee to his Separate  
23 Statement of Form Interrogatories and Responses in Dispute.

24 **V. MONETARY SANCTIONS SHOULD BE IMPOSED**

25 Code of Civil Procedure section 2030 (1) states that the  
26 Court shall impose a monetary sanction under Code of Civil  
27 procedure section 2023 against any party and attorney who opposes  
28 a motion to compel a further response unless it finds that the one

1 subject to the sanction acted with substantial justification or  
2 that other circumstances make its imposition unjust.

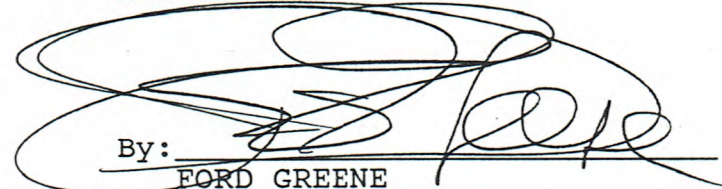
3 Based upon the foregoing discussion, it is clear that the  
4 only possibly valid objection was that which was based upon  
5 relevance. As to each of the relevance objections, however, they  
6 were interposed with no justification inasmuch as each request and  
7 interrogatory dealt directly with the issues framed by the  
8 complaint and answer in this litigation.

9 **VI. CONCLUSION**

10 Based upon the foregoing arguments, defendant Gerald  
11 Armstrong respectfully submits that the motion to compel further  
12 responses should be granted and monetary sanctions imposed.

13 DATED: August 17, 1994

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By: \_\_\_\_\_

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Attorney for Defendant and  
Cross-Complainant  
GERALD ARMSTRONG